App. F. IX-4

Previous References

1932 (Land

File No. 85-B 2

Serial Nos. 1-78,

Letter References.

PRESERVED Preserve

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Eighteen.

Part B for Nov 35

SUBJECT.

O.S. 28/32-33 on the file of the Subdivision Shimoga (D.F.O Shimoga vs Mrs. Magdaleen Alvares)

Re, Do

The C.C.F.
" P.F. Shimoga
" Comptr

WD 03607—GPB—22,500—2-8-35

No. P2980-2 dt 4.11.35.
Directs the withdrawal of the case.

Dr. Phool Aziz
16.11.35

330 P

2452

Defalcation of Govt money by late Mr. V. Alvares

General and Revenue Secretariat | File No. 157 of 1932. | [App. F. III—2

Serial No.

Letter No. E. 157–582/32 d 14/15th Dec 32 from the Ch Conservator of Forests requesting that the Govt. Advocate may be entrusted in the matter of filing a suit for the recovery of a sum of Rs 3000/– from the Assurance amount payable by the Oriental Govt Security Life Assurance Co Ltd and Standard Life Assurance Co Bangalore on the life of late Mr. Victor Alvares. Ranger.

1) Submitted with reference. If approved this will be refd. to Pro Br. for immediate necessary action as ordered by the Sec'y on the P.W.D. Order have to issue & the Oriental Co informed before the 24th inst

16/12 16/12

2) Yes please – the Ch. Secy has ordered that necessary action should be taken today.

16/12/32

pro Br.)

Received at 4.10 p.m. 16/12

3) The late Mr. Victor Alvares ranger (last office who was in charge of Sorab at Shimoga has embezzled a large sum of Govt money to the extent of Rs 4059-0-8. When was suspected of the defalcation, and placed on 29.10.32 Suspension, he Committed Suicide, under the Circumstances narrated in D. F.O's letter dt 14th inst 1932. It is reported now by the that certain amounts are due to the Govt

NOTE—Contn. Sheet.

by the Oriental Life Assurance Co^y and the Standard Life assurance Co^y Bilos. Lwds. his insurance amount, and that the Same may be recovered by instituting the Suit in a proper Court of Law.

It is for Consideration that the Insurance Companies are not liable to pay the assured Sum if the death is caused by Suicide, or by forfeiture etc. If this is so it is not clear how far the said amount due from the insurance Co^ys is recovable.

4) No doubt the oriental Co^y in their letter dated 9th Dec 1932 addressed to the D.J.O. Lwds stated the amount will be paid on producing a Succession certificate from a Competent Court of law, and ~~the~~ in the meanwhile they also require a prohibitory order within 2 weeks. (cf letter 14.12.32)

5) Perhaps the objection will be raised after the ~~first~~ Co^y becomes aware of the entire fact. If approved the Govt. Ad. may also be Consulted as to the advisability of filing a Suit under the Circumstances.

15D
16/12

6) The Suit should be filed against the legal representatives of the deceased. It may be filed in the Shimoga ~~Dist~~ Court in whose jurisdiction the defalcation was committed or in Bangalore if his legal representatives are resident here.

Serial No.

Most Insurance Companies insert a condition that the amount insured not be paid if death is caused by suicide. If the Standard Oriental Companies have such a condition it is for consideration if they will pay the money & it is worth while filing a suit.

2) The Govt Advocate also may be consulted

& if he has other assets they may also be attached by filing a suit.

Chief Sec)
for Sec)

16.12.32
Hon 16/12

From 578/32-33
dt 6.12.32

2) Forwarded with Compliments to the Govt Advocate for favour of opinion. As the matter is very urgent, the opinion may be kindly sent tomorrow.

B.O.

for Secretary

U.O. from 884/32-33
dt 17.12.32

3) Returned with Compliments.

According to the rules of the Oriental Life Assurance Co. Ltd. a Policy becomes null & void if the Assured commits suicide within one year from the date of the Commencement of the Policy. (page 10 of the rules). I was not able to get a Copy of the rules of the Standard Life Insurance Co Ltd. The rules may be similar to this. If therefore the Policy in question has been

NOTE—Contn. Sheet.

the Co. cannot raise any contentions now
has been in force for over a year, a Suit
may be filed against the legal representa-
tives of the deceased and necessary ac-
tion taken to secure the money. The other
assets of the deceased may also be
attached.

Thus

Sd/- Nallaswami Mudaliar
17.12.32.

Subject to a dft
P.O. for Council
ISD
17/12

ii) According to the oriental Life Insurance
Rules, the policy becomes void if Suicide is
committed within a year of the Commencement
of the policy. A Suit may therefore be
filed & the Insurance amount &
other assets of the deceased may be attached
before judgment.

It is not clear from the records
who the heirs are. His widow has claimed
as his sole heir in the Master's Court. The
Suit might be filed against her & such other heirs
if any. Since the Cause of action arose in
Shimoga Dt, & since the Dt is also there
the Suit will have to be filed in the Shimoga
Courts.

iv) Draft G.O is put up.

Chief Secretary).
Secretary).

RR 18/12/32
17/12/32

14) Sec.

13) 2nd Amendment Thus
19/12/32 Sub Sec

17/12

General and Revenue Secretariat | Cor File No. 85 of 1932 | [App. F. III—2

Serial No.

5) Draft Go may be approved. There will be no time for the Public Prosr. to send the plaint here for approval the facts are simple so he may be instructed to file it himself after preparing it in consultation with the Conservator at Shimoga.

17.12

To

2 The P.P. Shimoga, the Conservator of Forests, Shimoga, Govt. Adv.

No P. 3372-76 dated 17/12/32

Sanctions the institution of the Suit against the legal Repves of the late Mr. Victor Alvares.

6) Sub[3] for perusal & signature

17/12

OFFICE OF THE FIRST ME... GIL 17 DEC 1932 No. 4996

For Member) 17/12/32

17) 17/12/32 14/12/32 19.12

19/12/32

To,

10) S. Mr Br. for perusal and return

20/12

To The Financial Secretary for perusal by the Financial Secretary.

4/1/33 3/1/33 Rec'd 11.1.

Sub

24/12/32

WD 70—GHPM—700,000—13-8-31.

Note—Contd. Sheet.

Rec'd 10/1/33

71:1820-32A 21.12

6

File No. 85 of 1932. | General and Revenue Secretariat

From,

The Public Prosecutor, Shimoga

No. 222 dated 18th Jan 1933 submitting a report on the action taken by him in filing a civil suit against the legal representatives of the late Victor Alvares and requesting to obtain more precedent the first for appropriating a sum of Rs 2760 said to have been due to the deceased from the State Life Insurance Branch.

Reference para 3-15 Supra.

19) The Suit has been filed in the Sub. Ct. Shimoga. The Dist. Insp. officer Shimoga is included as the party for reasons explained in para 2 of the P.M.D. The prohibitory order is said to have been issued to the local agent at Shimoga as the oriental Co. is situated in C.I.M. Station Bldg, which is outside the jurisdiction of the Court. The suit Claim is only for Rs 2970 and odd after deducting 2 sums of money belonging to the deceased as explained in para 8 of the plaint. It is stated that a sum of Rs 2760 is due to the deceased from the State Life insurance Br. Branch. It is not known whether the said sum is appropriated. This is to be ascertained in the first instance.

20) The Pr. however pointed out in para 8 of the plaint, that the said sum is appropriated. This is said to have been done in order to minimise the Court fee; and in anticipation of the Court's Sanction. It is for orders whether the Sec'y M.S.L.O. Committee may be addressed in the matter.

KD
18

Serial No.

21) The Financial Branch might be asked if the Insurance amount has been appropriated, & to do so if it has not yet been done, since the suit is filed only for the balance.

(Sen Sec) 19/1/33.

RG 20/1/33.

(Fin Sec) 20/1

22) Sub. Under the rule, the Head of the Dept. Ch. Comm. of Excise is due to have informed the Dy. Secy of the death of the insured & of the claim on the Insurance Amount. It is not known if it has been done so.

Forwarded to the Dy Secy. Finance to state if the amount has been appropriated & if not, Requd to do so immediately, in communication with the Ch. Comm of Excise?

PSO

R. Krishnamachari

Dy Fin Secy

No. 13562/ca 17/32-33 25/1/33

23) Returned with compliments to the Financial Secretary to the Government of Mysore, Bangalore.

The formal intimation of the death of the Insured has not yet been received in this office nor the

GENERAL SECRETARY'S BRANCH 19 JAN. No
FINANCIAL BRANCH 2225 23 JAN 1933 SECTT.
OFFICE OF THE SECRETARY MYSORE STATE LIFE INSURANCE COMMITTEE No 2 JAN. 19 BANGALORE.

Sr 1100 20/1/33 4336 a/17a 3/1/33

Sr 84 24/1/33

NOTE—Contn. Sheet.

8.

Law File No. 85 — 2227 of 193 2 | General and Revenue Secretariat

the Government Dues Report from the Head of the Office. A note has, however, been made in this office books that abcut Rs.4,000/- is due to Government by the deceased. The amount due to his heirs on surrender of policies is about Rs.2,818/-.

G Keshava Rao
For Secretary,
Insurance Committee.

DS

W/28/1

Subd. for ~~perusal~~

W/27/1 W) Files will be returned to the Law Secy for necessary action in ~~Section~~ terms of the ~~to~~ the C.C.7.

27/1/33

27.1.33.

27/1/33

Lr W/1

ref) Dft to the C.C.7. is put up for appl

28/1

10.

The Chief Conservator of Fts
no. P. 4171 dated 31.1.33. informing to take necessary action to appropriate the insurance amount of the deceased

Sus A

1/2.

Serial No.

From,

The P.S.r. Shimoga.

no. 238 dated 3.2.1933 stating that the Court has ordered fresh Summons to all the deft^s to their Correct address, and that the attachment warrant Could not be effected to the Standard Life Insurance Co^y as the nos of Policies held by the deceased are not known and requesting to instruct the C.C.J to make Confidential enquiries and ascertain the number of the policy before the next Hg date 7.3.33.

Sub^d for a dft to the C.C.J.

To,

The C.C.J

no. P. 4358 dated 9.2.33 forwarding for necessary action a C/S of the Shimoga P.S.r's letter.

From,

The C.C.J.

no. E. 187-582-32 dated 6th March 1933 enclosing a C/S of the no addressed to the Conservator of forests.

The C.C.J was requested to ascertain the number or numbers of the Policies held by the deceased in the Standard L.I. Co^y. no information is furnished in that Point. The P.S.r. has already obtained the prohibitory order and requests to ascertain the information above

Sub^d for perusal orders.

The P.S.r in his letter of

NOTE—Contn. Sheet.

TYPING SECTION 7. FEB 1933 GENERAL DEPT.

WD 0246 —GPB—15,000—22-8-32.

10

1836

File No. of 193 . | General and Revenue Secretariat

3.2.33 says that the Stanvac Life Ins Co has sent a reply to the D.F.O. saying that they have no policy holder by name of Mr Victor Alvares - How this statement to be reconciled with the information now given by the C.C.F. is not clear — A copy of the C.C.F.'s letter with its enclosures may however be sent to P&R for necessary action.

RNP
2/3

(1) D/f for info of Govt appl

ISO
6/3

Issue
RNP
10/3

To,

The Pr. Shimoga

no. P. 4909 d 11.3.33 forwarding Copy of the Confidential Communication for necessary action

Sub B
13/3/33

From,

The C.C.F.

no. E. 157-582/32 dated 13.4.33 forwarding Copies of Correspondence received from the Conservator of Forests, Shimoga in the matter of appropriating the rangers life insurance Policy amount and promising to send further reports in the matter.

TYPING SEC.

5801 / V 6237

General and Revenue Secretariat | Law File No. 85 of 1932 | [App. F. III—2

Serial No.

Reference para 13 supra. It is noted there in that a nett sum of Rs 2018/- due under the Policy of the late Mr. Veera Alvas. Bank Security of the (Rs 191) range is also deducted in the Suit claim. (vide para 8 of the plaint).

Copy Sub? for perusal.

Further report may be awaited.

ISD 20/4

The Suit was posted to 7/3/. Please ask PPr to send a progress report

DRP 20/4

In the Q? returns received from the PPr. Shimoga. it is stated that the Case stands posted to 19.5.33 for service of Summons.

ISD 21/4

DRP 21/4

Sms B 21/4/33

From

The PPr. Shimoga.

Letter dated 29-1-35

Submits for appl. & returns a draft-reply Statement to be filed in the Case which is posted to 31.31. Jany 1935.

Date of hearing 31-1-35

Submitted for Orders with previous papers.

29/1/35

Please put up a dft DO to PPr saying that a week's adjt may be taken in order to enable the W-S sent just yesterday being scrutinised & approved by us

DRP 31

NOTE—Contn. Sheet.

WD 0246 -GPB—15,000—22-8-32

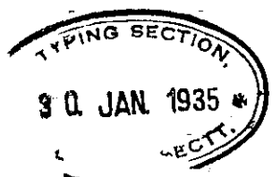
12

3059
4231

File No. of 193 . | General and Revenue Secretariat

A Dft. D.O 5 print up as per orders

Issue today
Sec
3/1



Issued. No p. 3849 dy 30.1.35

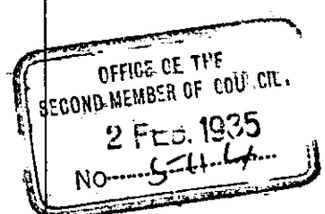
Re submitted after issue.

Sec
31/1/35

The reply statement, so far as it goes is all right & may be approved. On an examination of the pleadings, I am however inclined to think that the plaintiff is not correctly named - It ought to be the Govt of Mysore by the District Forest officer and a G.O ought to have issued under order 27 rules 1 & 2 C.P.C authorising the D.F.O to sign & verify the plaint on behalf of Govt. There are however irregularities which may be rectified by suitable amendments, if objns are raised. The P.P.r will be told about this, if appd.

Secy
may be approved.
Second member.

Sec
1/2/35



Sec
1.2.35

Sec
1/2

Jk237 2907 13

General and Revenue Secretariat | Law File No. 85 of 1935 | [App. F. III—2

Serial No.

Dft sub? for appt

ISS

S/r

Issue
ppl
6/2

To,

The Pvt. Secy.
no. P. 4048 d 7.2.35 requesting
Reply Sr? duly appd?

Sec C
8/2

To,

Re. C.C.J.
Comptroller
Pvt Secy

S.O. no. P.258-S2 d 4.11.35 directing
re withdrawal of the Case.

In note leading
to S.O. see
Jr. 202-33.

B
14/11/35

NOTE—Contn. Sheet.

WD 01955—GPB—22,500—12-6-34

MYSORE FOREST DEPARTMENT.

Tel. Address.
"CHIEFCON."

No.E.157-582/32
Enclo. 2

OFFICE OF THE CHIEF CONSERVATOR OF FORESTS
IN MYSORE.

Bangalore, dated ....14th December 193 2.

FROM

B. V. RAMAIENGAR, ESQ., B.A.,
Chief Conservator of Forests
in Mysore, Bangalore.

CHIEF SECRETARY. Received 15 DEC. 1932

TO

R.RANGA RAO, Esqr., B.A., B.L.,
Chief *Secretary to the Government*
of H. H. the Maharaja of Mysore,
Bangalore.

Sir,

In continuation of this office letter No.E.157-582/32 dated 6th instant about the defalcation of Government money in the Saw Mills at Shimoga by late Mr.Victor Alvares, Ranger, I have the honour to forward herewith the *marginally noted references from the Conservator of Forests, Shimoga Circle, and to state that in the circumstances detailed in the Conservator's letter of 13th instant, the filing of a suit for recovery of a sum of Rs.3000/- from the Assurance amount payable by the Oriental Government Security Life Assurance Co., Ltd., and Standard Life Assurance Co., Bangalore, is very necessary and urgent. I therefore request you to be so good as to entrust the Government Advocate in the matter of filing a suit.

(i) Memo No.I.69-642/32 dated 9-12-1932; and

(ii) Letter No.I.69-642/32 " 13-12-1932 and its enclosure.

I have the honour to be,

Sir.

Your most obedient servant,

B.V. Ramaiengar

Chief Conservator of Forests.

Mnr.

Letter No.1211 dated 4-12-1932 from the District Forest Officer, Shimoga Division, to the Conservator of Forests, Shimoga.

******

With reference to your No.I.69-642-32 dated the 1st instant I have the honour to state that it is reported by the Range Officer, Saw Mill, that the properties of the late Mr.Victor Alvares have been removed.

--

No.I.69-642-32 Dated 9th December 1932.

Copy of the above is forwarded with compliments to the Chief Conservator of Forests in Mysore, Bangalore, for kind perusal in continuation of this office letter of even number dated the 29th ultimo, and with reference to his letter No.E.157-582-32 dated the 30th ultimo.

******

Copy of letter No.I.69-642-32 dated 13th December 1932 from the Conservator of Forests, Shimoga, to the Chief Conservator of Forests in Mysore, Bangalore.

--

Re.-- amounts recoverable from late Mr.Victor Alvares.

In continuation of my office memo of even number dated the 9th instant, I have the honour to forward herewith a copy of letter dated the 9th instant of the Branch Secretary, Oriental Life Assurance Co., Ltd., Bangalore, received with the Shimoga District Forest Officer's letter No.1258 dated the 10th instant, for your kind perusal and needful action. The District Forest Officer has reported that the deceased Ranger had also insured his life in the Standard Life Assurance Company Ltd., Bangalore, from whom no reply has yet been received.

In this connection, I note below the details of liabilities and assets of the deceased Ranger as made out from the Audit and other correspondences:-

Liabilities of the deceased Ranger.

I. In the Saw Mills at Shimoga.-		
1). Revenue defalcated	Rs.	4,059- 0-8
2). Forest Objection Book Advances	"	88- 8-0
3). Value of missing stock	"	576- 9-0
4). Irrecoverable advances	"	544-12-0
5). Loss of revenue due to irregular sales.	"	236- 9-8
Total;		5,503- 7-4

3

Deduct amount of short adjustments of pay.	101- 3-0
Balance:	5,402- 4-4
II. Settihalli Road:-	
Advances irrecoverable	943- 0-0
Grand Total	6,345- 4-4

Assets.

1). Amount of Security Deposit	791- 0-0
2). Mysore State Life Insurance	2,670- 0-0
Total:	3,461- 0-0

Slight variations in these figures, if any, will be explained in the Audit Note which is under type.

The Security Deposit will be withdrawn immediately and credited to Treasury in part adjustment of the advances outstanding.

As regards the second item, a copy of District Forest Officer's Memo No.1233 dated the 8th instant is enclosed for kind reference. This amount may be kindly caused to be remitted to Treasury on account of the dues mentioned above including part of the defalcated revenue.

Sanction may kindly be obtained from Government to file a Civil Suit for the balance of the defalcated revenue viz., Rs.2884-4-0 or nearly Rs.3,000/- immediately, so that the suit may be filed and the policy amounts attached by preliminary injunction.

Since the period allowed by the Oriental Company expires by the 24th instant and as no reply has been received from the other Company, who may not comply at all, steps may kindly be taken to ascertain locally the amounts due to the late Ranger in the two Companies and whether any nomination has been made in the latter company.

As it takes a long time in obtaining Government sanction and approval of plaint etc., and as the said companies are also located there, I think it is more convenient to get the suit filed through the Government Advocate or the Public Prosecutor, Bangalore, and the amounts due attached by preliminary injunction before the 24th instant. The account books etc., that may be required for filing the suit at Bangalore will be despatched after receipt of instructions in the matter.

******

4

Copy of letter dated 9th December 1932 from the Branch Secretary, to the Oriental Government Security Life Assurance Co., Ltd., Bangalore, to the District Forest Officer, Shimoga Division, Shimoga.

Pols. Nos. 90510/127226- V.Alvares (Decd.)

Referring to our letter dated the 12th ultimo, we have to inform you that the above policies stand in the assured's own favour. So we shall pay the policies amount to any person or persons obtaining title to the estate of the deceased assured such as probate of will if a will has been left by him; otherwise letters of Administration to his estate or a succession certificate issued under Act. of 1925 from a British Court of Law. If you have any claim against the Policy moneys, you should establish it through a Court of Law and in the meantime serve us with a proper order of the Court within 15 days from the date hereof addressing the Company stopping payment of the Policies moneys to the legally entitled party or else we shall have no power to withhold payment merely on the strength of your letter to the legally entitled party after all our requirements are furnished to the satisfaction of our Board of Directors.

Letter No.1125 dated the 8th December 1932 from the District Forest Officer, Shimoga Division, to the Secretary, Mysore State Life Insurance Committee, Bangalore.

Regarding retransmission of F.No.12 in favour of late Mr.V.Alvares holder of Policy Nos.18889 etc.,

With reference to your reminder No.10164 dated 2-12-1932 regarding the above, I have the honour to request you to kindly defer the payment of insurance and bonus amounts until final orders are passed by the Government regarding the recovery of defalcated amount by the insured.

Copy.

Mnr.

Chief Conservator of Forests.

16.12.32

G.R.S. App. F VI—G 2]

SUBJECT 32.85

5

Diary, No. of letter replied to .....

Section Law
File No. 85-32
Serial No. 2

General and Revenue Secretariat

( )

the 193 .

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 17/12/ 1932.

Signed by .....

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Read— Correspondence ending with the letter no. E. 157-582/32 dated 15th Dec 1932 from the Chief Conservator of Forests stating that the late Mr. Viem Alvares ranger forest office. in charge of Saw Mills at Shimoga, who Committed Suicide ~~Order thereon—xo.~~ on 29- oct 1932, has defalcated a large sum of Govt money ~~to the extent of Rs 4000/- and odd~~. and requesting Sanction of Govt to institute a Suit against his heirs for recovery of his Life insurance amounts due from Oriental Govt Security Life

Assurance Co. Ltd. and the Standard Life Assurance Co. Ltd. Blore.

order:- P. 3372-76

Sanctioned; Govt. ~~are pleased~~ to direct the Pbr. Shimoga to institute the suit in the Sub-Ct. Shimoga against the legal representatives of the deceased the late Mr. Victor Alvas, in Consultation with the Shimoga Conservator of Forests; and also obtain a prohibitory order from the Court attaching the insurance amount due from the Oriental Life Insurance Co. Ltd and the Standard Life Insurance Co. Ltd. Blore.

The C.C.F. is requested to place at the disposal of the Pbr. Shimoga necessary funds required for the purpose immediately and also forward the connected records to him.

List of Enclosure.

To,

Copied by

Examined by

1) The Pbr. Shimoga
2) C.C.F.
3) D.F.O.
4) The Comptroller
5) Govt. Advocate

Govt. see

WD 73—GBPM—20,000—10-8-31.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P-3377/Rev 17
Law 85-32-3

Dated, Bangalore, 17th Dec. 1932.

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor, Shimoga.

Sir,

I am directed to enclose herewith a copy of the Government order No. P. 3372-76 dated 17th December 1932, sanctioning the institution of a Civil Suit against the legal Representatives of the late Mr. Victor Alvares, Forest Ranger, Shimoga, and to request that the plaint may be prepared in consultation with the Conservator of Forests, Shimoga and filed immediately.

2. Since the prohibitory order is absolutely necessary before 24th instant the matter may be kindly be treated as immediate and the action taken reported for information of Government.

I have the honor to be,

Sir,

Your most obedient servant,

for General Secretary to Government.

TSD

3831/P 287

OFFICE OF THE PUBLIC PROSECUTOR.
SHIMOGA DIVISION.

No. 222
Encl. 2

DATED. SHIMOGA THE 15th January 1933.

Law 85-32-LL

From

B. KRISHNA RAO, ESQR., B.A., B.L.
PUBLIC PROSECUTOR.
SHIMOGA DIVISION.

To,
The General Secretary to
the Govt of Mysore,
Bangalore.

GENERAL SECRETARY
17 JAN. 1933
No P20

Sir, 6 17/1/33

1) With reference to your letter No. P 3377 Law 85-32-3 of 17th December 1932 enclosing a copy of the Govt order No. P 3372-76 of 17-12-32 in the matter of the institution of a suit against the legal Representatives of the deceased Forest Range officer Mr Victor Alvaris and the subsequent letter No. P. 3890-91 of 13-1-33, I have the honour to State that the said letter was received by me on 20th December 32 at Chitaldroog camp where I was conducting a murder case before the Sessions judge. After finishing the Sessions case I returned to my Head quarters on the 21st noon and immediately put myself in communication with the district Forest officer & the Manager of the conservator's office in the absence of the conservator.

2) I took instructions from the dist Forest officer & the Manager of the conservator's office with regard to the circumstances under which late Mr Victor Alvaris committed Suicide and embazzled Govt funds and prepared the plaint.

Since the prohibitory order had to be obtained before the 23rd december on account of commencement of Christmas Holidays from 24th idem, there was no time to obtain the previous approval of the Govt for the plaint prepared by me and also to obtain the Signature of the Chief Secretary to the plaint and the Vakalat and hence, I have joined the district forest officer of Shimoga as plaintiff in the Suit with an allegation that he is Suing on behalf of the forest department with the approval of Govt. I had no other alternative course left for me to adopt and in case, the defendants Should take any objection to the locus Standi of the dist forest officer Suing as plaintiff, I Should think we can file an amendment application Seeking to Substitute the Chief Secretary to the Government as a party in the former's place in view of the peculiar circumstances of the case. I herein enclose for your kind perusal a copy of the plaint and the attachment application filed in the matter on 22nd December 1932 and trust you will approve of my action.

3) It is borne that the deceased Mr Alvaris has insured his life in the Oriental Insurance Co., Ltd. which has its office situated under its Branch Secretary at C.&M Station Bangalore. But, as the district court of C & M Station is outside the jurisdiction of Mysore territory, our courts can not issue an order of attachment under Section 136 of the Civil Procedure code to the dist judge of C & M Station Bangalore for service on the Branch Secretary of the Oriental Insurance Co. Hence, I could only obtain a prohibitory

Order from the Subordinate judge against the local Agent Mr A. K. Narayana Iyer which was served on him on 23rd December and which was subsequently transmitted by him to the Branch Secretary at Bangalore who has intimated the court, i.e. Mr Isherwood, that the Insurance money will not be paid to the defendants until further orders of the court.

4) It is not definitely known as to what extent the deceased had insured his life in the Standard Life Insurance Co. Ltd., Bangalore and the number of the policy is also not known. Hence, I could only obtain a prohibitory order from the court preventing the company from paying the amount or amounts due to the defendants under the policy or policies, if any, effected by the deceased in the said company and an order to such an effect has been passed and sent for service to the court of the Dist. judge Bangalore. Since a double-barrelled breach loading gun, worth about Rs 100/-, belonging to the deceased was in deposit before the Town police Sub-Inspector, Shimoga with out renewal of license, I have got that gun also attached by means of a prohibitory order.

5) The suit against the wife, sons and daughters of the deceased has been numbered as O.S. 28/32-33 and is posted for the defendants' appearances to 30-1-1933. Process fee for service of summonses to all the defendants who are now residing at Bangalore, has been paid by me in time and the result of the first hearing will be intimated to you in due course.

6) Before closing my report for the action

taken by me, I wish to bring to your kind notice one important aspect of the case. The letter of the conservator of Forests seeking permission to institute a suit against the heirs of the deceased mentions that a Sum of Rs 791/- deposited by him towards the Security furnished to the forest Department will be with drawn and credited to the Govt Treasury and that a Sum of Rs 2670/- due to him in the Mysore State Life Insurance Branch is available for appropriation towards the amount embazzled and that Sanction is sought for Suing the balance amount of about Rs 3000/-. The Govt order No. P.3372-76 Law 85-32-2 dt 17-12-32 Sanctioning the institution of the suit is not specific whether the Govt has appropriated the above said amount of Rs 2760/- due to the deceased in State Insurance Branch towards the Sum embazzled by him. To avoid the payment of the court fee on the said Sum, in case the plaint did not recite the factum of such appropriation, I have alleged in para 8 of the plaint, that it is since appropriated and would therefore request you to obtain the order of the Govt by way of appropriating the said amount, in case it has not already been appropriated. I regret for the delay in the submission of this report.

I have the honour to be,
Sir,
your most obedient Servant,

B Krishna Rao
Public prosecutor,
Shimoga.
15-1-1933

IN THE COURT OF THE SUB JUDGE, SHIMOGA.

O.S. No. 1932-33.

Plaintiff.	Defendants.
District Forest Officer, Shimoga.	1. Mrs. Magdaluen Alvaris, Aged about 35, wife of Late Mr.Victor Alvares, Roman Catholic Christian and residing at Kadri Kankanady Post, South Canara District. 2. Harry Alvarios, aged 15. 3. Louis Alvares aged 14. both sons of No. 1. 4. Winnie Alvarios aged 12. 5. Aileen Alvares aged 10 both daughters of No. 1 Defendants 2 to 5 minors by guardian & mother no. 1 above

Plaintiff submits as follows under O. 7 R. I C.P.C.

1. That the 1st defendant is the wife of Mr. Victor Alvarees, who died at Shimoga on 29th October under the circumstances mentioned below and who was until then employed as a Government servant as Forest Range Officer in charge of the Government, Saw Mills at Shimoga. Defendants 2 and 3 are the minor sons of the deceased Mr. Victor Alvares and defendants 4 and 5 are his minor daughters. All the above 4 minor defendants are under the care and protection of their natural guardian and mother 1st defendant.

2. The said deceased Mr. Victor Alvares, who was a servant under the Government of Mysore, was in charge of the Government Saw Mill at Shimoga

from about 19th September 1931 and continued to be in charge thereof until his death on 29th October 1932. And before he assumed charge of the said Mill, he was, as a Government servant, in charge of the special works, namely, Shimoga-Settihalli Road Repairs works over which he assumed charge on or about July 1931 and continued to manage the same until about 10th September 1931. The above special work were extensive in nature and of onerous character involving the total expenditure of about Rs. 16,000/-.

3. In his capacities both as an Officer in charge of the Saw Mill and also in charge of the above special works, it was incumbent on on the part of late Mr. Victor Alvares to keep cash accounts in prescribed books, to post day by day in the said books both credits and disbursements in his own hand, close up the cash book at the end of each month and forthwith forward to the Plaintiff a true and identical copy of the cash book duly totalled, signed and accompanied by required vouchers with the prescribed certificate attached to the end of the copy with his signature duly affixed.

4. Mr. Victor Alvares sent up the copy of the cash accounts for the month of July 1932 on or above 21st of August 1932 and altogether failed to remit to the Government Treasury, which he was bound to do, the revenue of Rs. 1,996-3-0 which his accounts disclosed as the balance of revenue realised up to the end of July 1932. Besides, he failed to submit his cash accounts for the months of August and September in spite of orders. So, the plaintiff went to the office of the Saw Mill

On 24-10-1932 for the purpose of checking the cash accounts and verifying the cash balance. But, Mr. Alvares, who was then at his quarters nearby, pretended sickness and sent him a chit to the effect that he had not posted up the cash accounts completely up to date, that he would write up the cash accounts and produce the same along with the cash balance by about 4 P.M. the same day. Hence, the plaintiff brought these facts to the notice of the Conservator of Forests Shimoga, who ordered the former to place Mr. Victor Alvares under suspension forthwith and to take charge of the Mill. So, the plaintiff visited the office of the Saw Mill on 29th morning/to carry out the above said order and to take charge and found Mr. Alvares absent from the premises. However, he subsequently turned up at quarter to twelve and when demanded for the production of the cash accounts and the cash balance he informed the plaintiff that they were in his quarters and that he would produce them presently. Then he left the office of the Mill and went to his quarters. But he did not turn up at the office even after the lapse of about 45 minutes and hence plaintiff sent word to his quarters. In reply to this, he was informed that Mr. Alvares was writing up the accounts. Feeling suspicious about the truth of the above allegation plaintiff started towards the Range Officer's quarters in order to verify the information ~~and found that Mr. Alvares had shut himself up inside a room of his quarters and had bolted the door from inside.~~ Instantaneously with the plaintiff's approach to the quarters, he heard the firing of gun shots

from inside and soon after this, he personally appraised the District Superintendent of Police of the above facts.

5. The Police held inquest proceedings over the death of the deceased in the evening and found that no cash book and cash balance were available at his quarters. Hence a search was made by the Police for them at the plantiff's requestxxx in the Range Office. Then a cash balance of Rs. 38-13-8 was found in the office along with the cash book which had not been entered up from 1st August onwards up to ~~date~~ and both of them were seized by the Police under a Mahazar.

6. Since the above incidents which lead to the death of Mr. Alvares, who died at his own hands including his conduct of action and omission revealed the facts of embezzlement of Government funds by him and an intention on his part to avoid the execution of legal process against him, the Conservator of Forests, Shimoga arranged immediately for the audit of the complete accounts of the Saw Mill. From the above audit and also from the scrutiny of the correspondence relating to the above special works, it has transpired that the deceased has, during the period he held the two charges mentioned above, failed to duly account for and has rendered himself ~~and~~ liable to pay to the Government including the amounts misappropriated by him, the total sum of about Rs. 6,431-14-4 as shown below:- Viz.,

6

I Settihalli Road works accounts.

Amount shown as advances to parties which are really fictietious transactions	943-0-0

II Accounts of Saw Mill at Shimoga.

(1) Clear defalcation	4,059-0-8
(2) F.O.B. A. that is unauthorized expenditure	200-2-0
(3) Value of missing stock	576-9-0
(4) Amount shown as advances to parties which are - fictietious transactions	517-12-0
(5) Loss of Revenue due to irregular sales	236-9-8
	5,590-1-4
Deduct amount of short adjustments of pay	101-3-0
Total amount	6,431-14-4

7. The above said liability is a debt due to the Forest Department from the deceased and his estate and as the Defendants are, under law his heirs in possession of his assets and as they lay claim to his ~~exists~~ assets they are bound under law to discharge the debt due from him to the extent of his assets in their possession. Hence, this suit to recover the above dues from the assets of the deceased in the hands of the defendants.

8. But, there are two items of money due to the deceased which are now available for appropriation towards the above debt, namely (1) an amount of Rs. 791-0-0 deposited by him towards his security furnished to the Forest Department and (2) a further amount of Rs. 2,670-0-0 due to him in the Mysore State Life Insurance Branch as follows:-

Under

Under policies numbers		
18889	Rs.	1,744
28195		543
do Revertionery Bonus certificate numbers		
7309/2		105
5993/3		106
4347/4		107
Total		2,670

And after deducting the above said two items of money, which are since appropriated, there remains the total balance of Rs. 2,970-14-0 due from the deceased to the Forest Department which is sought to be recovered in this suit.

9. Cause of action for this suit has arisen within the jurisdiction of this Honourable court on and from July 1931.

10. The value of this suit for the purpose of jurisdiction and court fees is Rs. 2,970-14-4 and hence a court fee of Rs. [illegible] is paid on this.

11. The Plaintiff has obtained the sanction of the Government to institute the suit on behalf of the Forest Department and hence he has filed this suit.

12. The Plaintiff herefore prays that this Honourable court may be pleased to pass a decree in favour of the plaintiff for the suit amount with court costs, current interest and with other reliefs against the assets of the deceased in the hands of the defendants.

District Forest Officer,
Shimoga Division.

I, Mohamed Pir, the Plantiff above named, do hereby declare that what is stated in the

18

~~above~~above paras is true in so far as they are based on the available records and also my personal knowledge and in token thereof, I have affixed my signature to this on this day the 22nd day of December 1932.

District Forest Officer,
Shimoga Division,
Shimoga.

"Copy"
.SKa
P.Y

IN THE COURT OF THE SUB JUDGE, SHIMOGA.

O.S. 1932-33.

Plaintiff.		Defendants.
District Forest Officer, Shimoga.	Vs.	Mrs. Magdalun Alvares & 4 others.

Petition under O. 38 R. 5 C.P.C.

In view of the circumstances mentioned in the plantiff's affidavit hereto appended he prays that this Honourable Court may be pleased, in the interests of justice, to attach before decree the amounts due under the Policies Nos. 90510 and 127226 of the Oriental Government Security Life Assurance Co., Ltd., by serving prohibitory order against the said Company preventing the same from paying the amounts due thereunder to the defendants until further orders of the Court.

PLAINTIFF.

BKR
pp

IN THE COURT OF THE SUB JUDGE, SHIMOG.

O.S. /1932-33.

PLAINTIFF.		DEFENDANTS.
District Forest Officer, Shimoga	Vs.	Mrs. Magadalen Alvares and 4 others

Affidavit filed by the Plaintiff,

I, Mohamed Pir, son of Mohamad Khasim, aged about 49, Mahammadan and resident of Shimoga do hereby solemnly and sincerely affirm an oath as follows:-

1. I am the plaintiff in this suit and have filed this suit on behalf of the Forest Department to recover the sum of Rs. 2970 and odd from the assets of the deceased Mr. Victor Alvares in the hands of the defendants.

2. The deceased Mr. Victor Alvares has insured his life with the office of Oriental Government Security Life Assurance Co., Ltd., and held two policies issued in his favour bearing numbers 90510 and 127226 and at present the sums assured under the above said policies are not definitely known.

3. From the correspondence which has passed between me and the Branch Secretary of the above said company at Bangalore I have been informed that the amount due under the above said policies will be paid to the party or parties legally entitled to the same unless an order from a Civil Court stopping such payment is served on the Company within 24th instant and that otherwise, our claim for the policy amounts will be of no avail.

4. The defendants are permanent residents of South Canara District in British India and as at present known the deceased has left no property in Mysore Forest. And it is vaguely xx rumoured that the defendants with intent to obstruct or delay the execution of the decree that may be passed against him have made attempts to obtain from the said Oriental Insurance Company Ltd., the amounts due under the above said policies which are the assets x of the deceased and to which they are his entitled heirs under law as his heirs.

5. As there are no/known assets of the deceased in the hands of the defendants to which I can have x recourse for the purpose of satisfying the decree that will be passed in this suit the Forest Department of the Mysore State will be subject to loss and prejudice in case the defendants are allowed to recover the amounts due under the above policies ins as much as the only known assets of the deceased will be removed by the defendants and not made available for the satisfaction of the Government claims.

6. The Oriental Government Security Life Assurance Companyl., LtD., has an Office situated at C & M. Station, Bangalore under the management of the Branch Secretary and also a branch office situated at Shimoga under the management of the local Agent Mr. A.K. Narana Iyer.

7. In view of the above circumstances, it is expedient in the interests of justice that this Honourable Court should be pleased to attach before decree the amounts due under the above policies by serving prohibitory order against the Oriental

22

Oriental Government Security Life Insurance Company Ltd., preventing them from paying the above said sums to the defendants under the further orders of the Court.

District Forest Officer,
Shimoga Division.

No P 4171
Law-85-32-5

30th January 1933
3181

The

The Chief Conservator of Forests in Mysore,
Bangalore.

In continuation of this office letter No.3890 dated 13th January 1932 re: the Civil Suit against the legal representatives of the late Mr.Victor Alvares, Forest Ranger Shimoga, I am directed to enclose herewith a copy of the Shimoga Public Prosecutor's letter No.222 dated 15th January 1933 reporting the action taken in the matter.

The Secretary, Mysore Life Insurance Committee, intimates in his unofficial Memo No.13562 dated 25th January 1933 that the formal intimation of the death of the insured has not yet been received in his office nor the Government dues report from the Head of the Office.

I am therefore to request you to do the needful in the matter and take necessary steps to have the insurance amount due to the deceased appropriated early.

Action taken in the matter may kindly be intimated for information of Government.

I have the honor to be,
Sir,
Your most obedient servant,

Sd. N. Madhava Rao.
Chief Secretary to Government.

Memo No. P.4172 dy 31-1-33

Copy of the above isforwarded to the Public Prosecutor, Shimoga.

By order,

For Chief Secretary to Government.

B.K.M.S

TSD

Appendix F G—1]

SUBJECT.....

.....

.....

Section Law

File No. 85-32

Serial No. 5

Diary No. of letter replied to ....

No. Nop 4171/Ens.

To The C. C. J.

Sir,

In Continuation of this office letter no. 3890 dated 13th Jan'y 1933 re: the Civil Suit against the legal representatives of the late Mr. Vicm Alvars, Forest ranger Shimoga, I am directed to enclose herewith a Cpy of the Shimoga Pfr's letter no. 222 dated 15th Jan'y 1933 reporting the action taken in the matter.

The Secretary Mysore Life Insurance Committee, intimates in his unofficial Memo. no. 13062 dated 25th Jan'y 1933 that the formal intimation of the death of the insured

General and Revenue Secretariat

( )

the *193* .

Date of issue 31/1/33

Signed by Jno. C. S. Dyer

List of enclosures.....

Copied by.....

Examined by.....

WD 0253—GPB—15,000—26-8-32

15

has not yet been received in this office nor the Govt dues report from the Head of the office.

I am therefore to request you to do the needful in the matter and take necessary steps ~~a~~ to have the insurance amount due to the deceased appropriated early.

Action taken in the matter may kindly be intimated for information of Govt

I have etc

for Chief Secy

ISD 28/1

No 9 4172/ dy 31-1-33

Copy to the PPr. Shimoga

4182/32 326
Law 85-32-6

GPB

192 .

From The Public Prosecutor,
Shimoga Division.

To The Chief Secretary to the
Government of Mysore,
Bangalore.

Law
4 FEB. 1933

Dated 3-2-1933

Despatched

Received

General No. 238'
No.

Enclosure No.

Sir,

Subject:- O.S.28/32-33 on the file of Sub Judge, Shimoga.
(Dist.Forest Officer, Shimoga
vs
Mrs.Magdalean Alvaris & others.

The marginally noted case was for hearing on 30-1-1933 for return of summonses to the defendants. The court of the Munsif of Mangalore has returned the summonses unserved with the endorsement that the first defendant Mrs. Magdalean Alvaris has removed herself from the house which she was previously occupying at Kadri -- Kankanadi post in Mangalore, that the said house is under repairs and that she has gone to live with the Sub Register of Kankanadi who is said to be her brother-in-law. Hence the court has ordered fresh summonses to add the defendants to their correct addresses which will be taken in due course for the next hearing date of 7-3-1933.

But as regards the attachment of the money insured by the deceased Mr.Victor Alvaris in Standard Life Assurance Co.,Ltd, Nagarthpet Bangalore City, the attachment warrant could not be effected as the Number

27

Numbers of Policies held by him are not known and the District Forest Officer of Shimoga has received a reply from the company that there is no policy-holder of the name of Mr, Victor Alvaris.

Under these circumstances, it is expedient that the Chief Conservator of Forests may be requested to depute an official of his office to make confidential inquiries in the matter and to ascertain, if possible, from the registers of the company the number or numbers of the policies held by him in the said company and the amounts due thereunder so that an attachment warrant specifying the particulars may be got served before the next hearing date.

I will communicate the result of the next hearing in due course.

I have the honour to be,
Sir,
Your most obedient servant,

A. Krishna Rao
Public Prosecutor,
Shimoga Division.

Appendix F G—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to ....

General and Revenue Secretariat

( )

the *193* .

Date of issue 9/2/33

Signed by Jno C. F. Dyke

List of enclosures.....

Copied by.....

Examined by.....

Section Law

File No. 65-32

Serial No. 7

No. P 4358/Sec/

To The C. C. J.

Sir,

In Continuation of this office letter no. P. 4171 dated 31st Jan'y 1933 re: the Civil Suit against the legal representatives of the late Victor Alvares, Inspr ranger Shimoga, I am directed to forward herewith a Copy of the Shimoga Pfr's letter no. 138 dated 3rd Feb'y 1933 and to request that necessary action may kindly be taken early to ascertain the number or numbers of the policies held by the deceased in the Standard Life Assurance Co Ltd

Action taken in the matter may kindly be intimated for information by

I have etc

for Secy & Secy

WD 0253—GPB.—15,000—26-8-32

No P 4358 (Ecn) / Ecn 85-32-7

7th February 1933.

The

The Chief Conservator of Forests in Mysore.

In continuation of this office letter No.P.4171 dated 31st January 1933 re. the Civil Suit against the legal ~~legal~~ representatives of the late Victor Alvares, Forest Ranger, Shimoga, I am directed to forward herewith a copy of the Shimoga Public Prosecutor's letter No.238 dated 3rd February 1933 and to request that necessary action may kindly be taken early to ascertain the number or numbers of the policies held by the deceased in the Standard Life Assurance Co.,Ltd.,

Action taken in the matter may kindly be intimated for information of Government.

I have the honour to be,
Sir,
Your most obedient servant,

for General Secy. to Government.

4237/32 Jr 154-32-4 30

MYSORE FOREST DEPARTMENT.

Tel. Address.
"CHIEFCON."

G.M. 3288.

No.E.157-582/32
Enclo. 1

OFFICE OF THE CHIEF CONSERVATOR OF FORESTS
IN MYSORE.

Bangalore, dated 4/2/1933.

GENERAL MISCELLANEOUS BRANCH. 6 FEB 1933

Law 85-32-8

From

B. V. RAMAIENGAR, ESQ., B.A.,
Chief Conservator of Forests
in Mysore, Bangalore.

GENERAL SECRETARIAT

To

R. Ranga Rao, Esqr., B.A., B.L.,
General *Secretary to the Government*
of H. H. the Maharaja of Mysore,
Bangalore.

No 4-21

Sir,

With reference to your letter No.P.3890-91 dated 13th instant about the suit filed against the legal representatives of the late Mr. Victor Alvares, Forest Ranger, Shimoga, I have the honour to forward herewith, a copy of letter No.A2.32-428/32 dated 20th instant from the Conservator of Forests, Shimoga Circle, from which it is seen that a Civil suit was filed in the Sub Judge's Court at Shimoga on 23rd December 1932, that the same is posted to the 30th instant for further hearing and that the amount (viz., Rs.1,955-3-0) of the Policies (Nos. 90510 and 127226) held by the deceased Ranger in the Oriental Government Security Life Assurance Company Ltd., his bore double barrelled 12 breech loading gun kept in deposit with the Town Police Sub Inspector, Shimoga, of the value of Rs.100/- and a sum of Rs.90/- being the deceased Ranger's paid up share-amount in the Forest Division Co-Operative Society, have been attached.

2. Further progress of the suit will be reported to Government on receipt of the further communication promised by the Conservator.

I have the honour to be,
Sir,
Your most obedient servant,

B V Ramaiengar

Chief Conservator of Forests.

Mnr.

This is in reply to the Communication sent to the C.C.F. from the Protection Branch. This may be sent there.

Submitted for perusal

Mr. 7/2/33. Sub Asst Dir Sub Comptroller 7/2

Ce 10/2

PD 9/2

Sec 10/2

Copy of letter No.I.69-642-32 dated 20th January 1933 from the Conservator of Forests, Shimoga, to the Chief Conservator of Forests in Mysore, Bangalore.

******

Civil Suit against the legal representatives of the late Mr.Victor Alvares, Forest Ranger, Shimoga.

--

Adverting to your memo No.E.157-582/32 dated the 18th instant, I have the honour to state that the Civil Suit was filed on the 23rd ultimo, in the local Sub Judge's Court and has been taken up as C.S.28/32-33 and posted to the 30th instant for hearing. The amount of Policies Nos.90510 and 127226 which stood in the name of Mr.Alvares in the Oriental Government Security Life Assurance Company Ltd., Bangalore, viz., Rs.1,955-3-0, the bore double barrelled 12 breech loading gun belonging to him which was kept in deposit with the Town Police Sub Inspector, Shimoga, of value about Rs.100/- and a sum of Rs.90/- being his paid up share amount in the Forest Division Co-Operative Society, Shimoga, have been attached. A further communication will be made in the matter after the date of hearing.

******

Mnr.

Chief Conservator of Forests.

4237

4237 / 4241 / 832

MYSORE FOREST DEPARTMENT.

Tel. Address.
"CHIEFCON."

No. E.157-582/32.
Enclo.

OFFICE OF THE CHIEF CONSERVATOR OF FORESTS
IN MYSORE.

Bangalore, dated 4/2/1933.

FROM

B. V. RAMAIENGAR, ESQ., B.A.,
Chief Conservator of Forests
in Mysore, Bangalore.

To

N. Madhava Rao, Esq., B.A., B.L.,
Chief *Secretary to the Government*
of H. H. the Maharaja of Mysore,
Bangalore.

4 FEB. 1933

Sir,

Adverting to your letter No.P.4171/Law 85-32-5 dated 31st January 1933 in the matter of furnishing to the Secretary, Mysore State Life Insurance Committee, intimation of the death of insured - Mr. Victor Alvares, Forest Ranger, Shimoga and the Government dues report from the Head of the Office and appropriating towards his dues to the Department the insurance due to the deceased Ranger, I have the honour to state that the Conservator of Forests, Shimoga Circle, has been requested to take all necessary action in the matter and that on receipt of his reply a further reference will be addressed to you in the matter.

I have the honour to be,

Sir,

Your most obedient servant,

B. V. Ramaiengar

Chief Conservator of Forests.

S.R.

Submitted for perusal

ISD 14/2

14/2

SmB 14/2

Tel. Address.
"CHIEFCON."

MYSORE FOREST DEPARTMENT.

No. E 157-5-82-32

CHIEF CONSERVATOR'S OFFICE,

Bangalore, dated.....6th....March.....*193* 3.

Law 85-32-9

FROM

B. V. RAMIENGAR, ESQ., B.A.,

Chief Conservator of Forests in Mysore,

Bangalore. - 1933

To

R. Ranga Rao, Esq., B.A., B.L.,

General Secretary to the Government

of Mysore, Bangalore.

Sir,

With reference to para 2 of your letter No.P.4358/ Law 85-32-7 dated the 9th February 1933, I have the honour to enclose herewith a D.O. letter addressed to Mr. Machaya, Conservator of Forests, Shimoga, marked strictly confidential, in the matter.

I have the honour to be,

Sir,

Your most obedient servant,

B. V. Ramiengar

Chief Conservator of Forests.

SS

34

MYSORE FOREST DEPARTMENT.

Tel. Address
"CHIEFCON."

CHIEF CONSERVATOR'S OFFICE,

D. O. No. E.157-582-32

Bangalore, dated.....6th....March.....193 3

STRICTLY CONFIDENTIAL

Dear Mr. Machaya,

I have re-ceived information - not quite confirmed however, since the Company is not giving the number of policies etc - to the effect that the late Mr. Victor Alvares holds an Insurance Policy of Rs.5000/- in the Standard Life Insurance Company. It is rather difficult to get more accurate and reliable information. The best thing is to apply to the Court to pass a stay order.

Yours sincerely,

sd/- B.V.Ramaiengar.

true copy

85

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the 193 .

Date of issue 11/3/33

Signed by Sd/- N.R.J. Rao

List of enclosures.....

Copied by 10/3/33

Examined by.....

Section Law

File No. 65-32

Serial No. 10

No. Confidential P 4909/Sec I

To The Pfr. Shimoga

Sir, O.S. 20/32-33 on the file of the Subjudge Shimoga D.J.O. Shimoga vs Hrs. Magdalean Alvas

Sir,

With reference to your letter no 238 dated 3.2.1933 re: the above case, I am directed to forward herewith a copy of the Confidential Communication no. E. 1517-502-32 dated 6th March 1933 together with its enclosure, received from the C.C.J. B'lore for necessary action. ~~Further instructions may kindly be obtained from the C.C.J.~~

I have etc

Sd/-

10/3 for Secretary

~~Copy to C.C.J. with a request to~~

WD 0253—GPB—15,000—26-8-32

15D 10/3

2/6

make further attempts to trace out
the heirs or members of the persons
held by me ... here Mr. Victor Alvarez.

B. O.

For Sec'y

1887
10/3.

No P 4909 / Enl
Law 85-32-10

37

10th March 1933.

CONFIDENTIAL.

The

The Public Prosecutor,
Shimoga Division, Shimoga.

xx

Subject:- O.S.28/32-33 on the file of the Sub Judge Shimoga.
District Forest Officer, Shimoga -VS- Mrs. Magdaluen Alvaris.

Sir,

With reference to your letter No.238 dated 3rd February 1933, re: the above case, I am directed to forward herewith a copy of the Confidential communication No.E. 1517-582-32 dated 6th March 1933, together with its enclosure, received from the Chief Conservator of Forests Bangalore for necessary action.

I have the honour to be,
S i r,
Your most obedient servant,

MC

For General Secretary to Government.

TSD

K.M.R.2/10-3.

MYSORE FOREST DEPARTMENT.

Tel. Address.
"CHIEFCON."

No. E. 157-582/32
Enclo. one

OFFICE OF THE CHIEF CONSERVATOR OF FORESTS
IN MYSORE.

Bangalore, dated 13/4/ *193* .

FROM

B. V. RAMAIENGAR, ESQ., B.A.,
Chief Conservator of Forests
in Mysore, Bangalore.

To

N. MADHAVA RAO, Esq., B.A., B.L.,
Chief *Secretary to the Government*
of H. H. the Maharaja of Mysore,
Bangalore.

GENERAL SECRETARY
17 APR 1[illegible]
No. Sir, 26

In continuation of my letter No.E.157-582/32 dated 4th February 1933, in the matter of appropriating the Mysore State Life Insurance Policy amount of Rs.2,670/- available against the name of late Mr. Victor Alvares, Forest Ranger and a sum of Rs.791/- being the Cash Security furnished by him to the Department, towards his Government dues, I have the honour to forward herewith copies of the correspondence ending with with Memo No.I.69-642/32 dated 10th instant from the Conservator of Forests, Shimoga Circle, from which it will be seen that the question of appropriating the Ranger State Insurance Policy amount of Rs.2,670/- towards his Government dues, is pending disposal by the Secretary, State Life Insurance Committee. The Conservator's reference is silent as regards the action taken for adjusting the Ranger's Security amount towards his Government dues and a report has been called for by me on the point, on receipt of which a further reference in the matter, will be addressed to you.

I have the honour to be,

Sir,

Your most obedient servant,

B.V. Ramaiengar

Chief Conservator of Forests.

Dkv.

2 prf. Ltr. with Compliments

Letter No.2197 dated the 7th April 1933, from the District Forest Officer, Shimoga Division, to the Secretary, Mysore State Life Insurance Committee, Bangalore.

Re Life Insurance Policy amount of the late Mr. Victor Alvares.

In inviting your kind reference to my letter No.1982 dated the 17th ultimo, in the matter referred to above, I have the honour to request you to be so good as to issue at a very early date, the duplicate copies of the Polices and Bonus Certificates held by the late Range Officer, Mr. Victor Alvares, and the cheque for the amount due to the deceased so that the same may be appropriated towards the Government dues which are outstanding in the Books of this office unrecovered for nearly a year. As required by you, full particulars concerning the death of the Ranger - together with the Death Certificate and Form No.12 duly filled up have all been furnished to you already and it is understood there is no objection in your kindly arranging for the payment if the amount in settlement of the Government dues at a very early date. I request the favour of early compliance so that the amount may be credited to the Treasury before the end of the current month.

No.2247.

Copy of the above is submitted to the Conservator of - Forests, Shimoga, for information in continuation of the correspondence resting with this office Memo No.2053 dated the 17th ultimo, with a request that needful communication may be kindly addressed to the Life Insurance Secretary to pay up the above mentioned amount early.

Sd/ Md. Pir,
District Forest Officer,
Shimoga Dn.

****

No.I.69-642/32

CONSERVATOR'S OFFICE,
Shimoga dated 10-4-1933.

Copy of the ~~fm~~ above is forwarded with compliments to the

40

the Chief Conservator of Forests in Mysore, Bangalore, for kind perusal and favour of needful action in the matter with reference to his Memo No.E. 157-582/32 dated the 4th February 1933.

Sd/ B.V.Ramaiengar,

Conservator of Forests,
Shimoga Circle.

B.V. Ramaiengar

Chief Conservator of Forests.

RBS

5801 41
555 D 32

MYSORE FOREST DEPARTMENT.

Tel. Address.
"CHIEFCON."

No.E.157-582/32
Enclo.

OFFICE OF THE CHIEF CONSERVATOR OF FORESTS
IN MYSORE.

Bangalore, dated 20/4/ *193*3.

FROM

B. V. RAMAIENGAR, ESQ., B.A.,
Chief Conservator of Forests
in Mysore, Bangalore.

Laws 85-32-11
24.4.33.

1 APR

To

R. Ranga Rao, Esq., B.A., B.L.,
Chief *Secretary to the Government*
of H. H. the Maharaja of Mysore,
Bangalore.

Sir,

In continuation of my D.O. letter No.E.157-582/32 dated 5th March 1933, in regard to the Civil Suit filed against Mrs. Magdaleen Alvares etc., I have the honour to forward herewith for the information of Government, a copy of letter No.284 dated 11th instant, addressed to the Conservator of Forests, Shimoga Circle, by the Public Prosecutor, Shimoga Division, stating that a prohibitory order has been passed by the Sub Judge, Shimoga, for attachment of the amount due under policies held in the Standard Life Insurance Co., by the late Mr. Victor Alvares.

I have the honour to be,
Sir,
Your most obedient servant,

B. V. Ramaiengar
Chief Conservator of Forests.

Dkv.

Sub? for perusal.
The C.C.F may perhaps be enquired where he has received the accurate information as to the no of policy or policies held by the deceased in the Standard Life Insurance Co?
BD 24/4
No need to enquire now — await further report from CCF
SecB

Letter No.284 dated the 11th April 1933, from the Public Prosecutor, Shimoga Division, to the Conservator of Forests, Shimoga

---

With reference to your letter No.369-642-32 dated the 10th March 1933, and the subsequent reminder thereon dated the 22nd March 1933, I have the honour to state that I filed an application on 16-3-1933, before the Sub Judge of Shimoga in O.S.28/32-33 (Shimoga District Forest Officer, VS. Mrs. Magdaleen Alvares etc.), for the attachment of the amount due under policies held in Standard Life Insurance Co., and got a prohibitory order passed thereon.

Subsequently I have paid process for the issue of prohibitory notice which is returnable by 19th May 1933.

Memo No.I.69-642/32 CONSERVATOR'S OFFICE,
Shimoga Circle, dated 15-4-33.

Copy of the above is forwarded with compliments, to the Chief Conservator of Forests in Mysore, Bangalore, for kind - information with reference to his D.O. No.E. 157-582/32 dated the 6th ultimo.

Sd/ B.V. Ramaiengar,
Conservator of Forests.

Chief Conservator of Forests.

MYSORE FOREST DEPARTMENT.

5853 P 32 43

Tel. Address.
"CHIEFCON."

No.E.157-582/32
Enclo.

OFFICE OF THE CHIEF CONSERVATOR OF FORESTS
IN MYSORE.

Bangalore, dated 27/4/1933.

law 85-32-12 9m 4646

FROM

B. V. RAMAIENGAR, ESQ., B.A.,
Chief Conservator of Forests
in Mysore, Bangalore.

CHIEF SECRETARY
28 APR. 1933

To

Office of the Second Member of Council.
9 MAY
No. 7504

R. Ranga Rao, Esqr., B.A., B.L.,
Chief *Secretary to the Government*
of H. H. the Maharaja of Mysore,
Bangalore.

Sir,

This is being dealt with in No 82.

In continuation of my letter No.E.157-582/32 dated 17th instant, I have the honour to forward herewith, extract of letter No.1780 dated 20th February 1933 addressed to the Conservator of Forests, Shimoga Circle, by the District Forest Officer, Shimoga Division, which shows how the sum of Rs.805-7-3 available in the Security Deposit account of late Mr.Victor Alvares, Ranger attached to the Government Saw Mills, Shimoga, has been adjusted towards his Government dues.

I have the honour to be,

Sir,

Your most obedient servant,

B.V. Ramaiengar

Chief Conservator of Forests.

Mnr.

Sorted for journal

9/5/33.

II Member)

9/5/33

RR 10/5733. 1/10/5

mm 11/5 To the Pers. Br. With Compliments for suitable action.

44

It is for orders whether it is necessary to send a copy of this letter to the Hon Shimoga for information

19/5 NSK

Yes - may be sent

DNP 13/5

Diff put up.

JSD 16/5

NSK

Issue

DNP 16/5

G SEC ENL & FCV

Issued no. C. 6020 dt 19.5.33.

Sec C 19/5/33

The paper will be retained here, if there be no objn

Cyn. Sec with Compts for Mr Fetherston Sec C

NSK 19/5/33

There is no objection to retain the paper in Pte. Sec

NV 19/5

Sec C 19/5/33

45

Extract from letter No.1780 dated the 20th February 1933 from the District Forest Officer, Shimoga Division, to the Conservator of Forests, Shimoga.

******

Subject:- Adjustment of the liabilities of the late Mr.Victor Alvares.

--

xx xx xx xx

The security deposit of the deceased Range Officer amounting to Rs.805-7-3 after adding interest due up to the end of January .1933 has been fully appropriated towards Government account as detailed hereunder.

(a)	F.O.B.A. balance outstanding against Mr.Victor Alvares in the Saw Mill Accounts vide final orders passed in this behalf by the Conservator of Forests, Shimoga, in his No.C.58-807-31 dated 17-12-1932.		Rs.130- 5-0
(b)	i) Ledger balance of Thangavelachari		" 339- 1-0
	ii) -do- Krishnaji		" 178-11-0
(c)	Ledger balance outstanding in the accounts of Shimoga Settihalli Road works:-		
	i) Gayasuddin	Rs.66-0-0	
	ii) Marabovi	" 74-0-0	
	iii) Ramabovi	" 17-6-3	
	Total:	Rs.157-6-3	" 157- 6-3
		Total:	Rs.805- 7-3

xx xx xx xx

****

Copy.

Mnr.

Chief Conservator of Forests.

446

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. F. 6020 Gen 2 — 48

Dated, Bangalore, 17th May 1933.

From

The General Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Public Prosecutor,
Shimoga.

Sir,

O.S. 28/32-33 on the file of the Sub Judge Shimoga. (D.P.O.Shimoga Vs Mrs Magdaleen Alvares).

In continuation of this office letter No.P.4909 dated 11th March 1933 regarding the above case, I am directed to forward herewith a copy of the letter No.E.157-582/32 -- dated 23rd April 1933, together with its enclosure, received from the Chief Conservator of Forests, for information.

I have the honor to be,
Sir,
Your most obedient servant,

For General Secretary to Govt.

c.n.

47

Appendix F G—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193*

Date of issue 18/5/33

Signed by .....

List of enclosures.....

Copied by 17/5

Examined by .....

Section Jud 88-3

File No. 85-32.

Serial No. 13

No. P6020/Sec 2

To

The P.P. Shimoga.

O.S. 28/32-33 on the file of the Sub-Judge, Shimoga.

(D.T.O. Shimoga vs Mrs. Magdaleen Alvais.)

Sir,

In Continuation of this office letter no. P. 4909 dated 11th May 1933 re: the above case, I am directed to forward herewith a copy of the letter no. E. 157-58/32 dated 13.4.33, together with its enclosure, received from the Chief Conservator of Forests, for information.

I have the honour to be, Sir, Your most obedient servant,

for Secretary.

ISD 16/5

6173/32

48

MYSORE FOREST DEPARTMENT.

9m 5100 1933

Tel. Address.
"CHIEFCON."

No.E.157-582/32
Enclo. four

OFFICE OF THE CHIEF CONSERVATOR OF FORESTS
IN MYSORE.

Bangalore, dated 26/5/1933.

Law 85-32-14

FROM

B. V. RAMAIENGAR, ESQ., B.A.,
Chief Conservator of Forests
in Mysore, Bangalore.

GENERAL SECRETARIAT
27 MAY 1933
No.

TO

H. V. Ramaswami, Esqr., M.A., B.L.,
General *Secretary to the Government*
of H. H. the Maharaja of Mysore,
Bangalore.

Sir,

In continuation of this office letter No.E.157-582/32 dated 28th April 1933, I have the honour to forward herewith copy of letter dated 18th instant addressed to the Comptroller to Government by the District Forest Officer, Shimoga Division, in regard to the adjustment of a sum of Rs.2,806-11-2 being the amount of the State Life Insurance Policies held by late Mr.Victor Alvares, Ranger attached to the Government Saw Mills, Shimoga, towards the Government revenue defalcated by him.

I have the honour to be,
Sir,
Your most obedient servant,

B. V. Ramaiengar

Chief Conservator of Forests.

Mnr.25-5

To the Pres. Bgr. with Comptr's

mr. MNR 29/5

Law MNR 29/5

Dfo forwarding a copy of the letter to the Pres. Shimoga & part of.

ISD 30/5

30/5

Issued no. P. 6245 dt 2.6.33.

Sec C 5/6/33

TYPING SECTION
31 MAY 1933
GENL & REV SEC

Letter dated the 18th May 1933 from the District Forest Officer, Shimoga Division, to the Comptroller to the Government of Mysore, Bangalore.

******

With reference to your No.452/WAD.Mis.Ft. dated 16th instant, intimating me the adjustment of a ~~copy~~ sum of Rs.2,806-11-2 being the Insurance Policy amount of late Mr.Alvares by book transfer towards the amount of revenue defalcated by him in the Saw Mill Depot at Shimoga in the accounts for April 1933, I have the honour to state that by the time your intimation was received, the accounts for April had been closed, and so the amount will be incorporated in the accounts for May 1933.

******

Copy

Mnr.25-5

Chief Conservator of Forests.

Case No 2. O.S.28/32-33 on the file of the Sub Judge, Shimoga.

District Forest Officer, vs; Mrs: Magdaleen Alvares & others.

19-5-33 Summons and Notices to Minors & Guardian were returned without any shara. The original & duplicates were sent back with a slip that they are sent after service. But no endorsement on the duplicates & original. Under the circumstances write ascertain what is to be done.

12-6-33 Process sent to Mangalore Munsif Court not returned.

Prohibitory notice to secretary of the Standard Life Assurance served in person by post and he states that he is unable to trace out the policy without particulars.

Later reply received from the District Munsif Mangalore stating that by mistake the process was returned without service and stating that the same may be sent again by extending time.

Issue by 24-7-33.

24-7-33 Defendant's summons, minor and guardian notices were returned unserved for want of residence.

The suit is adjourned to 4-9-33 for payment of fresh process to the correct address of all the defendants.

----------ooo----------

A. Krishna Rao
Public Prosecutor
28-8-1933

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P-6245-Ecn Law 85-32-15 *Dated, Bangalore,* 1st June 1933.

From the *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor,
Shimoga.

Sir,

O.S.28/32-33 on the file of the Sub Judge Shimoga. (D.F.O.Shimoga Vs Mrs Magdaleen Alvares).

In continuation of this office letter No.P.6020 dated 18th May 1933 regarding the above case, I am directed to forward herewith a copy of the letter No.E 157-582 32 dated 26th May 1933 together with its enclosure received from the Chief Conservator of Forests for information.

I have the honor to be,

Sir,

Your most obedient servant,

For General Secretary to Govt.

c.n.

5.2

Appendix F G—1]

SUBJECT .....

.....

.....

Section Law

File No. 85-32

Serial No. 15

Diary No. of letter replied to.....

No. P 6245/Ecc 2

To

The PPr. Shimoga

O.S. 28/32-33 on the file of the Sub-Judge. Shimoga

(D. No. Shimoga vs Mrs. Magdaleen Alvares)

General and Revenue Secretariat

( )

the *193* .

Date of issue 21/6/33

Signed by [illegible] 21/6/33

Sir,

In Continuation of this office letter no. P. 6020 dt 18.5.33 re: the above case, I am directed to forward herewith a C/S of the letter no. E. 157-582/32 dated 26.5.33 together with its enclosure received from the Chief Conservator of Forests, for information

I have etc

for Secretary

List of enclosures.....

Copied by.....

Examined by.....

150 30/5

53

1298 of 33

GPB

192 .

From The public prosecutor,
Shimoga Division.

To The General Secretary to
the Govt of Mysore,
Bangalore.

Dated

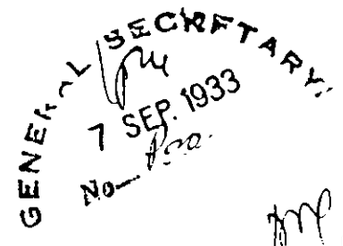
Despatched 6/9/33.

Received

General No. 106

No.

Enclosure No.



7.9.33

Subject:- O.S. 28/32-33 on
the file of Sub court.
(D.P.O. to Alwaris.)

Sir,

I have the honour to
state that the marginally
noted case was for hearing
on 4-9-33 for fresh notice
to correct address and I
have taken out processes to
the two addresses of the defen-
dants, namely, Mangalore
Kesaragode. The case stands
adjourned to 16-10-33 for service
of process. The result of the next
hearing will be intimated
in due course.

I have the honour to be,
Sir,
your most obedient servant

B. Krishna Rao
Public prosecutor.

Sub[d] for perusal

TSD
8/9.

8.9. Sec'y

2227 P 33 54

WD 308—GPB—15,000—22-

192 .

From The public prosecutor,
Shimoga division,
Shimoga

To The General Secretary to
the Govt of Mysore,
Bangalore.

Dated

Despatched 16/10/33.

Received,

General No. 15-7
No.

Enclosure No.

SECRETARIAT
1 OCT. 1933

17.10

Sir,

Subject:- O.S. 28/32-33 on the file of Sub court, Shimoga.

{D.F.O. Hs Hon. Magdalen Shimoga} Hewavis & others

I have the honour to state that the marginally noted case came up for hearing to-day and subsequently has

been adjourned to 12-12-33 for fresh Summonses to the correct address of the defendants. The Summonses issued to Mangalore & Kasargodu are returned unserved as the defendants are said be not living there. The result of the next hearing will be intimated in due course.

I have the honour to be,
Sir,
your most obedient servant,
K. Krishna Rao
Public prosecutor,
Shimoga.

Subj? for pencil

Case stands pushed to 12.11.33.

TSD
19/10.

Secy
21/10.

MM
21/10

55
3379
1933

APB

192 .

From The public prosecutor,
Shimoga division,
Shimoga

To

The General Secretary to
the Govt of Mysore,
Bangalore.

Dated

Despatched 19/12/33.

Received

General No. 300
No.

Enclosure No.

GEN. SECRETA...
20 DEC. 1...
M. Rao

Sir,

I have the honour to state that the marginally noted case has been adjourned to 15-1-1934 for service of Summonses to the correct address of the defendants. The result of the next hearing will be intimated in due course.

O.S. 28/32-33 on the file of Sub judge, Shimoga.
(Shimoga D.F.O. Vs Mrs Alvaris)

I have the honour to be,
Sir,
your most obedient servant,

B. Krishna Rao
Public prosecutor,
Shimoga.

Subj for perusal

3926/37

GPB

192 .

From The public prosecutor,
Shimoga Division,
Shimoga.

To

The General Secretary to
the Govt of Mysore,
Bangalore.

Dated

Despatched 16/1/34.

Received

General No. 344
No.

Enclosure No.

GENERAL SECRETARY
17 JAN. 1934
No

17/1/34

Sir,

I have the honour to state that the marginally noted case which was for hearing on 15-1-34 for return of defendants to Summonses and notices, has been adjourned to 22-1-34 for awaiting the Summonses as the Summonses were not returned on the said date. The result of the next hearing will be intimated.

O.S. 28/32-33 on the file of Sub judge, Shimoga.
(C.T.O. Shimoga -vs- Mrs Magdalen Alvaris & others.)

Sub? for perusal

ISD 19/1

19/1

I have the honour to be,
Sir,
your most obedient Servant,

S. Krishna Rao
Public Prosecutor,
Shimoga

4103
P 33

CPB

192 .

From The public prosecutor
Shimoga Division
Shimoga.

To The General Secretary
the Govt of Mysore
Bangalore.

Dated

Despatched 26/1/34.

Received

General No. 367

No.

Enclosure No.

Sir,

I have the honour to state that in the marginally noted case which was for hearing on 22-1-34 to await the return of Summonses, the Summonses & notices have been returned on the ground of want of residence. Hence the case stands adjourned to 6-3-34 for fresh Summonses and notice to the correct address of the offendants.

I have the honour to be,
Sir,
your most obedient Servant,
B. Krishna Rao
public prosecutor.

O.S. 22/32-33 on the file of Sub court, Shimoga.
(Shimoga D.T.C. 45 Mrs Magdalen Alvaris & 4 others).

Sub? for perusal
ISD
30/1

30/1/34

S 287/38

WD 0551—GPB—200000—7-10-29

192

From The public prosecutor
Shimoga division
Shimoga

To
The General Secretary
to the Govt of Mysore,
Bangalore.

Despatched 29/3/34.

Received

General No. 498
No.

Enclosure No.

Sir,

I have the honour to state that the marginally noted case came up for hearing on 20-3-34 and on that date I

O.S. 28/32-33 on the file of Sub court, Shimoga
(Shimoga D.T.O
vs
Mrs. Alwarin & Others)

I filed two applications, one for the appointment of a court guardian for the minor defendants and the other for substituted service of Summonses to 1st defendant under O. 5. R. 20 C.P.C. The court has granted my request and ordered issue of notices to the proposed ~~minor~~ guardian and also summons returnable by 17-5-34. I have paid process fee for the same.

I have the honour to be,
Sir,
your most obedient servant,

S. Krishna Rao
Public Prosecutor,
Shimoga.

4103
P. W. S. 3

1582
P

GPB

192 .

From The public prosecutor,
Shimoga Division
Shimoga.

To

The General Secretary to
the Govt of Mysore,
Bangalore.

Dated

Despatched 10/8/34.

Received

General No. 50

No.

Enclosure No.

GENERAL ... 13 AUG. 19... BANGALORE

Sir,

I have the honour to state that the marginally noted case, which was for hearing on 8-8-34, stands adjourned to 10-9-34 for fresh Summonses to 1st defendant & fresh notices to the sureties by means of substituted service

O.S. 28/32-33 on the file of Sub-judge, Shimoga.
(O.P.O Shimoga Vs Mrs Alvares & others.)

I have the honour to be,
Sir,
your most obedient Servant
B. Krishna Rao
public prosecutor,
Shimoga.

This may be sent to Govt Br for kindly returning the main file which was sent with D.O. No 3489/5563 P. dtd 6-8-34 to that Br in connection with the prayer of Mrs Alvares.

17/8/34. G.M. Br

Submd for orders. The file re prayer of Mrs Alvares is before the chief Secretary

P.T.O.

9,82 P 61

Serial No.

The return of the main file from the G.M.Br will be awaited, if appd.

Mw 20/8/34

Its return may (also) be expedited.

(G.M.Br) BM 20/8/34

Subject to orders, if the pro Br file may be detached & sent to pro Br.

MR 21.8.34

Yes please 21.8.

To the personal clerk to the Chief Secy to Govt

detach the file required & return it to Gen Br

MW. 21/8

MR 22/8

(pro-Br With their main file)

This will be placed in the main file put up below.

Mw 22/8/34.

BM 23/8

Secy 23/8/34

Secy 24/8

WD-01955—GPB—22,500—12-6-34

F

3129-33-62

OFFICE OF THE PUBLIC PROSECUTOR,
...Shimoga... DIVISION,
DISTRICT OFFICE BUILDINGS.

No. 171

Enc.

Dated 3rd December 1934.

GENERAL BRANCH
6 DEC. 1934

FROM

The Public Prosecutor,
.....Shimoga... *Division,*
.....Shimoga.....

To

The General Secretary to the Government of
His Highness the Maharaja of Mysore
Law Section, Bangalore

SIR,

Subject:— O.S. No. 28 of 1932-33
(District Forest officer Shimoga vs. Mrs. Alvares & others)
on the file of the Subordinate District Judge, Shimoga.

I have the honor to state that the above case has been adjourned to 10th December 1934 for filing the Written Statement.

I have the honor to be,
Sir,
Your most obedient servant,

Public Prosecutor.

N.B Statement filed in reply to the preliminary statement of the defendants 2 to 5

P.T.O.

WD 01551—GPB—900—5-5-32

after Consulting with the District Forest officer, Shimoga, the Copies of the Statements are herewith Submitted for your Kind perusal and Return, Mr. H.K.N. Acharya Advocate, Shimoga is appointed as Court Guardian of the minor defendants. As the Guardian fee is to be deposited in the Court The District Forest officer, Shimoga has been requested to day to Send Rs 150/-

Public Prosecutor
Shimoga Division
5/12/34

Sub-Court

O. S. 28
32-33.

Plaintiff vs Deft-

D. F. O. Shimoga - TTRS Alvares & others -

The Pltff may be called upon to furnish the following particulars :-

1. The Pltff may be directed to produce and give a copy of the accounts for the month of July 1932 referred to in para 4 of the Plaint -

2. The Pltff may be directed to furnish a copy of the Sethihalli road works account and details as to those items which are alleged as fictitious -

3. The Pltff may be called upon to state -

(a) on what material he alleges there has been a defalcation to the extent of Rs 4059-0-8 and if they are based on accounts he may be directed to produce and give a copy of those accounts and state which items in the account are defalcated -

(b) which are the items that make up the sum of Rs 200-2-0 alleged as unauthorised expenditure.

(c) To state the details about the missing stock as to when they were found to be missing and as to whether there are any documents to show that such stock existed -

(d) To give details as to the items which are alleged as fictitious transactions in the Saw mills accounts and to give a copy of the Saw-mills accounts -

63

(e) To give details as to how there has been a loss of Rs 236-9-8 due to irregular sales —

4. The DMs may be directed to state whether in Policies No 18889 and 28795 referred to in para 3 any premiums have been appropriated and under what provision of law the sums due thereunder have been appropriated —

To Mr S.K. Rao — Copy —

Hg - 29.11.34

Hon

In the Court of the Sub Judge, Shimoga.

O.S.No. 28/ 1932-33.

PLAINTIFF.	DEFENDANTS.
District Forest Officer, Shimoga. V/s	1. Mrs. Alvares and others.

Plaintiff's reply to the defendants' memo of particulars.

1. Copy of the extract of accounts for the month of July 1932 furnished by the deceased to the Forest Department has already been filed in this Court for being given to the defendents' counsel on the last date of hearing.

2. The defendents are not entitled for a copy of the whole-sale accounts of the Gettihalli Road-Works, but as regards the items which are fictitious, the Plaintiff has no objection to furnish the details regarding them. They are as follows .-

(a)	Rs 580- 0-0	Thippaboyi.
(b)	223- 0-0	Ramaboyi.
(c)	74- 0-0	Marabo,i.
(d)	66- 0-0	Gayasuddin.
	943-0-0	

3. It is on the regular audit of the Saw Mill accounts and records conducted after the death of the Ranger that it has been established that there has been a defalcation to the extent of Rs 4,057-3-9 and not Rs 4,059-0-8 as noted in the plaint. The total amount defalcated consists of about 30 items the details and history of each of which extends over many pages. It is impossible to furnish a copy of the wholesale accounts of the Saw Mill.

4. The unauthorised expenditure amounting to Rs 171-6-0 only and not Rs 200-2-0 as alleged in the plaint consists of 11 items running over a period from December 1931 to August 32 of varying amounts and their details can be furnished only during trial.

5. The deficiency in stock worth Rs 576-9-0 was observed when the same was checked after the death of Mr.Alvares. There are records and registers in the Saw Mills to prove the same. The deficiency consists of

Particulars.	Kind	Cubical contents.	Rate.	Amount.
Rafters.	Teak	52-2 cft.	1-15-0	94-10-0
	Bite	17-8½ "	2- 2-0	37- 9-0
Planks.	Teak	5-6½ "	3- 3-0	17-11-0
	Bite	82-0	2- 4-0	49- 8-0
	Matti	62-10	1-13-0	113-14-0
	Other kinds.	110-4	1- 5-0	144-13-0
Felloes.	Teak Nos.	92	0-15-0 (each)	86- 4-0
Sleepers	M.G.	86	0- 6-0	32- 4-0
Total.		270-7½ cft.		
	Felloes.	92		576- 9-0
	Sleepers.	86		

6. The items of advances/~~recovered~~ proved to be fictitious in the Saw Mill accounts are as follows.-

(a)	Rs 339- 1-0	outstanding against Mr.Tangavelachari.
(b)	178-11-0	-do- Krishnaji.
Total.	517-12-0	

7. The following are the details for the sum of Rs 233-11-8 and not Rs 236-9-8 as noted in the plaint being the loss on account of irregular sales viz.;-

65

(i)	Rs 80-3-8	part value of timber sold to Mr.C.Appaji Rao of Shimoga in April and May 1932.
(ii)	65-8-0	Charges on sawing the above individual's private timber in April 1932.
(iii)	1-0-0	Part value of parodes sold to one Mr.S.Shankar Rao in June 32.
(iv)	0-8-0	Part value of timber less supplied to the porcelain Factory, Bangalore.
(v)	4-10-0	Amount short recovered while selling 120 Rft.of Nandi reepers to one Mr.P.A.Venu Father of Bangalore.
(vi)	6- 1-0	House rent due on the Range quarters attached to Saw Mills for 29 days in October 1932.
(vii)	10- 8-0	Being the value of Karagalas sold on credit against rules but not recovered
Total	Rs 233-11-8	

8. Since the policies referred to were surrendered to the Secretary, State Life Insurance Committee, Bangalore, long ago, it is not now possible to say whether any nomination had been made with regard to them. The Life Insurance policy amounts have been appropriated towards the Government dues as per G.O.No.Fl. 2002 dated the 18th May 1903.

6237/34
P/66

Law 85-32-16

From

The Public Prosecutor
Shimoga Division

To

The General Secretary
to
the Govt of H.H. the Maharaja
of Mysore
Bangalore

Subject:- O.S. 28/32-33 on the file of
Sub-Judge Shimoga [D Food
Rs Alwar's + ors]

Numerate
DM 29/1/35
Sir

In the above case the contraveners
of the minor defendants 2 to 4
has filed a defence on their
behalf & the suit is posted to
31st inst for filing the plaintiff's
Reply. A draft Reply Statement
is herewith submitted for
approval of the Government.
The Reply Statement in the
approved form may kindly be
returned along with the
enclosed pleadings

I have the honor to be
Sir
your most obedient
servant
B. Kuppuswamy Rao
Public Prosecutor
Shimoga Div.

Dated 29-1-1935
Camp Bangalore

D. O. No. P3849 GENERAL AND REVENUE SECRETARIAT,

Dated, Bangalore 30th January 1935.

67

Subject: O.S. 28 of 1932-33 on the file of the Sub-Judge, Shimoga (D.F.O. Vs. Mrs. Alvares and others)

Dear Sir,

With reference to your letter dated the 29th January 1935, forwarding for approval a draft reply statement to be filed in the above case, I am directed to say that a week's adjournment may be taken to enable the statement sent just yesterday being duly scrutinised and approved by Government.

Yours sincerely,

B. Krishna Rao, Esq., B.A., B.L.,
Public Prosecutor, Shimoga Division,
Shimoga.

C.R.G.-2

68

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the 193

Date of issue 30/1/35

Signed by .....

List of enclosures .....

Copied by .....

Examined by.....

Section

File No.

Serial No.

No. P 3849/

To

The Public Prosecutor,

Shimoga Dn., Shimoga.

Dear Sir, Subj:- O.S. 28/32-33

on the file of the Sub-Judge Shimoga (D.T.) Shimoga Vs Mrs. Alvaris & others)

With reference to your letter ~~No.~~ dated 29-1-1935 forwarding for approval a draft reply statement to be filed in the above case, I am directed ~~to~~ to say that a week's adjournment may be taken to enable the ~~Secretary of the~~ Statement ~~to be~~ received

Sent just
~~Received from you only~~ yesterday and being duly scrutinised
~~to obtain approval of~~ and approved by
Govt. ~~thereto~~.

yours Sincerely

BRL
3/11

B. Krishnaiah Esq. BA BL.
Prob Pr Shimoga Dn.
Shimoga

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

CONFIDENTIAL.

No. P 4048 Sec. S

Dated, Bangalore, 6th February 1935.

From

The General Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Public Prosecutor,
Shimoga.

Sir, O.S.28/32-33 on the file of the Sub Judge, Shimoga (District Forests Officer -Vs- Mrs. Alvares & others.

With reference to your letter No.nil dated 29th January 1935, I am directed to return herewith duly approved the draft reply statement proposed to be filed in the above case.

In this connection, I am to point out that the plaintiff in the case does not seem to be correctly named. It ought to be the Government of Mysore by the District Forest Officer who has to sign and verify the plaint on behalf of Government under an authority given under order 27 rules 1 and 2 Civil Procedure Code. These are however small irregularities and I am to say that if any objections are raised on this account, suitable action may be taken to rectify the errors by suitable amendment of the pleadings.

I have the honour to be,
Sir,
Your most obedient servant,

for General Secretary to Government.

K.V.R.2/6.2.35.

Appendix F. G.–1]

SUBJECT.....

.....

.....

Section. Law

File No. 85-32

Serial No. 17

Diary No. of letter replied to.....

No. P4048/Eca, rep/g 8/8 dt 6-5-35

To confidential

The P.P. Shimoga

General and Revenue Secretariat.

( )

the *193* .

05-20/3233 on the file of the Sub-Judge Shimoga (D.7.0. in Mrs. Alvares' suit)

Date of issue 7/2/35

Signed by [illegible]

Sir,

With reference to your letter no. nil dated 29.1.35 I am directed to return herewith duly approved the draft rep/g statement proposed to be filed in the above case.

In this connection I am to point-out that the plaintiff in the case does not seem to be Christian by birth as it ought to be in case of Mys by the Dist. Judge office.

List of enclosures.....

Copied by.....

Examined by.....

~~D.T.O. Shri~~ who has to sign & verify the plaint on behalf of Govt
~~who is authorised by Govt under order XXVII~~.
under are authority given under order 27 rules 1 & 2 CPC.
~~rule 1 and 2 CPC to sign and verify~~

~~the plaint on behalf of Govt. Therefore~~ These are however
small irregularities and
I am to say that if any objections
are raised in this account,
suitable action may be
taken to rectify the
errors by suitable amendment
of the pleadings -

~~I am therefore to request~~

~~that necessary action to have the plaint~~

~~suitably amended may kindly be taken~~

~~Yours~~ ~~faithfully~~

~~I have the~~

~~honour to be Sir~~ ~~Your obedient servant~~

~~Yours faithfully~~

~~Yours faithfully~~

Progress Report for 16.2.35

F

1S 978 & 342

OFFICE OF THE PUBLIC PROSECUTOR.
...Shimoga...DIVISION,
DISTRICT OFFICE BUILDINGS.

No. 324

Enc. One.

Dated 12.4.1935.

GENERAL SECRETARIAT
FROM 1
17 APR.

The Public Prosecutor,
.....Shimoga Division,
.....Shimoga.....

To

The General Secretary to the Government
of His Highness The Maharaja of Mysore
Law Section, Bangalore.

pool 17/4

SIR,

Subject:— O.S. No 28/32-33
(District Forest officer Vs Mrs Alvares & others)
on the file of the Subordinate, Judge, Shimoga.

I have the honor to state that the above case has been adjourned to 21st May 1935 for Evidence as the A copy of the issues framed in the case is herewith submitted.

I have the honor to be,
Sir,
Your most obedient servant,

B. Krishna Rao
Public Prosecutor.

Sub: for perusal
pool 18/4
TSD 18/4
Sec 22/4

WD 01551—GPB—900—5-5-32

O.S. 28/32-33.

1. Whether the sum of Rs. 943/- shown as advances to the parties in Settihalli Road works accounts are fictitious transanctions and whether the plaintiff is entitled to recover the amount from the Defendants.

2. Whether the deceased Victor Alvares was not liable at law for the said sum of Rs. 943/- as he had handed over charge of the Settihalli Road repairs works on 10-9-1931.

3. Whether the deceased Victor Alvares misappropriated any and what money and properties belonging to the Mysore Government Saw Mills, Shimoga and whether he caused any loss on account of irregular sales? If so, what is the amount due to Government on these accounts?

4. Whether the plaintiff was justified in appropriating the amount due to the deceased under the policies of Life Insurance and whether such appropriation is illegal?

5. To what relief is plaintiff entitled.

"copy"
RKA

6576 p 34 75

MYSORE FOREST DEPARTMENT. W 202-33-5

No. E.157-532/32.
Encl.

OFFICE OF THE CHIEF CONSERVATOR OF FORESTS
IN MYSORE.

Bangalore, dated 10/5/ *1935.*

Rs 5-5-2-

FROM

B. V. RAMAIENGAR, ESQ., B.A.,
Chief Conservator of Forests in Mysore,
Bangalore.

To

RAJASEVASAKTA
R. Ranga Rao, Esq., B.A., B.L.,
Chief *Secretary to the Government*
of H. H. the Maharaja of Mysore,
Bangalore.

CHIEF SECRETARY 10 MAY 1935

Sir, Mr MV,

In continuation of this office letter No.E.157-532/32 dated 10th January 1935, I have the honour to forward herewith for the information of Government, copy of issues framed in the suit instituted by the Department in the subordinate Court at Shimoga against Mrs. Magdalen Alvares (widow of late Mr. Victor Alvares, Forest Ranger in charge of the Government Saw Mills Shimoga) and her children for recovery of certain amounts defalcated by the deceased Ranger, received from the Conservator of Forests, Shimoga Circle, with his Memo No.I.69-642/32 dated 8th April 1935.

I have the honour to be,

Sir,

Your most obedient servant,

B.V. Ramaiengar

Chief Conservator of Forests.

Dkv. 5/5

Submd.

This will be sent to Pro. Sec. after perusal

MV. 17/5/35

Yes 20/5

20 Pr. Br with Compts

MV. 21/5/35

Submd for perusal

ISD 22/5

Sec 24/5

Copy of Issues framed in O.S. 28/32-33 (District Forest Officer, Shimoga, VS. Mrs. Alvares and her children) in the Sub-Court, Shimoga.

---

1. Whether the sum of Rs.943/- shown as advance to the parties in Settihalli Road Works accounts are fictitious transactions and whether the Plaintiff is entitled to recover the amount from the Defendants.

2. Whether the deceased Victor Alvares was not liable at law for the said sum of Rs.943/- as he had handed over charge of the Settihalli Road repairs works on 10-9-1931.

3. Whether the deceased Victor Alvares misappropriated any and what money and properties belonging to the Mysore Government Saw Mills, Shimoga and whether he caused any loss on account of irregular sales ? If so, what is the amount due to Government on these accounts?

4. Whether the plaintiff was justified in appropriating the amount due to the deceased under the policies of Life Insurance and whether such appropriation is illegal ?

5. To what relief is plaintiff entitled.

No.I.69-642/32.

CONSERVATOR'S OFFICE,

Shimoga dated the 8th April 1935.

Copy of the above is forwarded with compliments to the Chief Conservator of Forests in Mysore, Bangalore, for kind information in continuation of this office letter of even number dated the 31st December 1934. The case is posted for evidence to 21st May 1935.

Sd/ M. Machaya.
Conservator of Forests.

Chief Conservator of Forests.

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read.-

Government order No. F. 3372-76/Law 85-32-2 dated the 17th December 1932 according sanction to file a Civil Suit against the legal representatives of the late Mr. Victor Alvares who defalcated a large sum of Government money while in charge of the Government Saw Mills at Shimoga.

2. Correspondence ending with letter No. E. 157-582-32 dated the 16th August 1935 from the Chief Conservator of Forests stating that out of a total amount of Rs. 6514-10-4 for which the late Mr. Alvares was responsible a sum of Rs. 3726-0-5 was recovered from his security deposit insurance and pay and that a further sum of Rs. 564-15-6 has been recovered from the other officers of the Department concerned and recommending that the balance of Rs.2223-10-5 being irrecoverable may be written off and the suit O.S. 28 of 1932-33 on the file of the Subordinate Court, Shimoga (District Forest Officer vs. Mr. Alvares) filed in accordance with the above order, withdrawn.

3. Letter No. E.157-582-32 dated the 9th October 1935 from the same officer forwarding a copy of letter No. 118 dated the 2nd October 1935 from the Public Prosecutor, Shimoga, addressed to the Conservator of Forests, Shimoga, intimating that a sum of Rs. 150/- deposited in Court has been already paid to the Court Guardian towards the costs incurred on behalf of the contesting defendants and that no further costs would be awarded in case the suit is withdrawn as the full costs allowable under the rules have been paid and soliciting early orders in the matter.

Order No. P.2980-82 Law 85-32-48

Dated, Bangalore, the 2nd November 1935

Under the circumstances reported by the Chief Conservator of

of Forests, Government are pleased to direct the withdrawal of the suit filed against the legal representative of the deceased Mr.Alvares and to write off the sum of Rs. 2223-10-5 due on this accoun.

for General Secretary to Government.

TSP

To

The Chief Conservator of Forests in Mysore.

The Comptroller to Government.

The Public Prosecutor, Shimoga.

C.R.C.5

F

2907/85

OFFICE OF THE PUBLIC PROSECUTOR,

No. 185

Enc.

Shimoga DIVISION,

DISTRICT OFFICE BUILDINGS.

Dated 6th November 1935.
11th

FROM

The Public Prosecutor,

Shimoga Division,

Shimoga

GENERAL
12 NOV. 1935
D.A.

To

The General Secretary to the Government
of His Highness the Maharaja of Mysore,
Law Section, Bangalore.

SIR,

Subject :— G.S. No. 88/32-33 (District Forest officer vs Hrs Alvares & others) on the file of the Subordinate judge. Shimoga.

I have the honor to state that the above case has been ~~adjourned~~ withdrawn on 5.11.35 as per Order No. P 8980-82 Law as the G.S. 32-18 dated 3rd November 1935.
11th

N.B. Case advanced to 5-11-35 from 8.11.35 and withdrawn.

I have the honor to be,
Sir,
Your most obedient servant,

Submitted for perusal.
Necessary papers may be forwarded.

B. Krishnamurthy
Public Prosecutor.
14/11

WD 01551—GPB—900—5-5-32

ISD 14/11.